



# **PLANNING COMMISSION**

## **MINUTES**

**May 12, 2010**

**7:30 p.m.**

**CITY OF FREDERICKSBURG  
715 PRINCESS ANNE STREET  
COUNCIL CHAMBERS**

### **COMMISSION MEMBERS**

**Roy McAfee, Chair  
Dr. Roy Gratz, Vice-Chair, Absent  
Susan Spears, Secretary  
Ricardo Rigual  
Edward Whelan, III  
Vic Ramoneda  
Berkley Mitchell**

### **CITY STAFF**

**Ray Ocel, Director of Planning  
Kevin Utt, B&DS**

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### **1. CALL TO ORDER**

The May 12, 2010 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

Mr. McAfee informed those present that the representative for the applicants of Item #6 SE2010-01- Estate of Harvey L. Pettit, has requested a deferment, not to exceed 120 days, of the public hearing for the construction of a fast-food restaurant (KFC rebuild) at 302 Hanson Avenue.

### **2. PLEDGE OF ALLEGIANCE**

### **3. ADOPTION OF MINUTES**

- April 14, 2010 minutes were adopted/approved as submitted.

### **PUBLIC HEARING**

- 4. STPN2010-02: Site Plan - Olde Towne Steak and Seafood - Proposed new building addition of 2,528 square feet to the existing Olde Towne Steak & Seafood restaurant located at 1612 Caroline Street, TM Block 25, 1611 & 1606, Zoned C-T.**

Mr. Ocel informed Commissioners that Mr. Utt would be addressing this item.

Mr. Utt said this is a request for approval of a site development plan by Gregory and Hyon Harding of Olde Towne Steak and Seafood, 1612 Caroline Street in order to construct an addition at 1612 Caroline Street, Tax Map Block 24, 1611 & 1606.

The project provides for the construction of a new 2,528 square foot addition to the restaurant

and additional proposed off-street parking. The adjoining parcel Tax Map 25-1623 depicts the parking area under agreement and is incorporated into this site plan. The proposed use of this property is under Special Use Permit, which is also incorporated with the plans.

The project will utilize the existing ingress and egress access for vehicles off of Caroline Street. Total parking has been provided by 30 spaces and 1 H/C parking space on the existing lot and the 10 off-street parking spaces located on 1623 Princess Anne Street per an agreement with the owner will be accessed off of Princess Anne Street.

Ms. Bea Paolucci, 1500 Caroline Street, representing Rising Sun Neighborhood, said they had talked with the applicants who have previously agreed to address their concerns and thanked the City for ensuring that these concerns are addressed.

There was no further public comment.

Mr. McAfee closed the public hearing on this item.

5. **RZ2010-01: Cullen Trust Limited Partnership** - Request to amend the adopted proffers associated with the Fall Hill Apartment by eliminating proffers 9a, 9b and 9c which requires the property owner to dedicate variable width rights-of-way for the construction of a new road along the eastern property line. The subject property has been improved with the Fall Hill Apartment complex located on Fall Hill Avenue and also contains an approximate 5 acre vacant unimproved parcel of land. Tax Map 311PA and A19-3319. The property is zoned R-12 Residential and CT, Commercial Transitional. The property is designated as Medium Density Residential on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel said his is a request to conditionally rezone the property commonly known as the Fall Hill Apartment property that includes approximately 15.0 acres of land zoned R-12 and CT. Although the property is not proposed to be rezoned, the set of proffers associated with the 2001 rezoning by the Cullen Trust Limited Partnership are being requested to be amended. This CT zoned property, along with the adjacent Fall Hill Apartment property were rezoned in 2001 to permit the construction of the apartments and to provide a two acre site for an office building.

A special exception application was approved in 2005 to permit the construction of 60 units of housing for the elderly housing on the 2 acre parcel. This project was never constructed due to the applicant not being able to secure favorable tax exempt financing from the Virginia Department of Housing and Community Development.

The subject site was zoned R-1, the same designation that this and other parcels carried when brought under City jurisdiction with the 1984 annexation. The adjoining City-owned tract and the current and former Franklin family-owned property that extends from Fall Hill Avenue to the river is also zoned R-1 Residential. This includes the site of the nearby historic "Fall Hill" mansion which has been placed under the preservation protection of the State Division of Historic Resources.

The adjoining Riverview Apartments and nearby Bragg Hill Townhouse complexes also remain under the R-1 zoning currently, rendering all of these uses "grandfathered" non-conforming uses. The small commercial strip fronting Bragg Hill (7-11, Bragg Hill Community Life Center, etc...) has been rezoned to the appropriate commercial designation (C-H) since the 1984 annexation. Across Fall Hill Avenue from the subject site is the R-12 zoned Crestview Apartments complex, consisting of 180 apartments.

The 2.0 acre property is vacant and contains stands of vegetation and a large pile of spoiled soil. The adjacent property has been developed with multi-family units commonly referred to as the Fall Hill Apartments.

As part of this rezoning request, the applicant has requested that proffer number 9 (a.) (b.) and (c.) be eliminated so that the dedication of right-of-way along the eastern property line of the 2.0 acre vacant property does not have to occur. Subsection (d.) in proffer 9 is not affected by this request.

The right-of-way dedication contained within the first three subsections of proffer 9 were developed in cooperation with City staff in 2000 to accommodate a future road that was proposed to connect I-95 to Fall Hill Avenue. The 1999 Comprehensive Plan included an interchange on I-95 between the visitor center and the river. Since the interchange was removed from that Plan and another interchange plan is now being considered that does not include a connector road to Fall Hill Avenue, the applicant is requesting that these proffers be removed.

It must be noted that the right-of-way dedication by the applicant in the proffer statement does not require the applicant to build a road within the dedicated right-of-way. Responsibility to construct the road would therefore fall upon the City utilizing City funds or funding from VDOT. Since the interchange plans have changed, the connector road from I-95 to Fall Hill Avenue is no longer needed and funding for such a road is not available and will not be available in the near future. In addition, funding for such a road is not included in the City's six year plan with VDOT or the Long Range Transportation Plan that the City participates in with the Stafford and Spotsylvania Counties.

The other nine proffers are not proposed to be changed and therefore will remain in affect. The proffered public improvements have been completed with the construction of the apartments.

In determining whether to adopt a zoning map amendment, the Planning Commission and the City Council shall only approve those amendments that are:

**1. Required by public necessity, convenience, general welfare, or good zoning practice;**

As stated earlier, the subject property is zoned C-T, while the majority of the land in the area is zoned R-1. The adjacent Fall Hill Apartment complex is zoned R-12, while the Crestview Apartment property is zoned R-16.

The applicant states that since the I-95 interchange is no longer planned and its associated road coming from the interchange to the east of this property within the reserved right-of-way mentioned in the proffers, that this proffer is no longer applicable and thus not needed.

**2. Adequate public facilities are available, will be provided by the City, or the applicant has voluntarily proffered to provide those public facilities;**

The original proffer statement took development of this parcel and the apartment parcel into consideration. Proffer 8 deals with a sanitary sewer pump station that has been upgrades to meet the proffer and the water line addressed in the same proffer has been installed. The road improvements detailed in proffer 3 have also been completed.

**3. Is in conformance with the City's adopted Comprehensive Plan.**

The land use map contained within the Comprehensive Plan designates this property as transitional office. This designation matches the zoning of the property as well. The subject property lies within Planning Area 4: Fall Hill/Mary Washington Hospital. (Comprehensive Plan, page 115)

Of more importance, Appendix B of the Comprehensive Plan, Transportation Analysis, does not include this connector road within the any future road plans. Table 3 found on page B-10

and Figure 4 found on page B-11 lists in a table and map format the list of future road projects. The aforementioned new interchange plan is included on both pages.

There was no Commissioner or Public comment.

Mr. McAfee closed the public hearing on this item.

6. **SE2010-01: Estate of Harvey L. Pettit** – Special Exception request to authorize the construction of a fast food restaurant with a drive through facility located at 302 Hanson Avenue. A KFC restaurant currently operates on the property and the applicant requests to raze the building and to construct a new fast food restaurant. The property is zoned CT, Commercial Transitional which does not permit the construction/operation of fast food restaurants, therefore, the application is requesting a special exception. The property is designated as Transitional Office on the Future Land Use Map found within the 2007 Comprehensive Plan.

The applicants have requested a postponement for this item. However, since the item was advertised for public hearing, Chairman McAfee asked if there was anyone in the audience that would like to comment on the application.

The restaurant operator (name was not audible) 1421 Forrest Hill Lane, Virginia, 22936, said he has operated the restaurant for the owner for the past 30 years. He said he hopes the City will vote favorably on the special use permit request.

There was no additional public comment.

Mr. McAfee closed the public hearing on this item and reminded the audience that this item will be re-advertised when the applicants ask that the application move forward.

7. **SUP2010-03: Marion Hicks** – Special Use permit request in order to construct 86 townhouse units on approximately 14 acres of land located to the north of Hudgins Road, west of Jefferson Davis Highway and east of the Kingswood Subdivision located in Spotsylvania County. The property is zoned CH, Commercial Highway which requires a special use permit in order to construct townhouse units. The property is designated as General Commercial on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel said Marion Hicks is requesting a special use permit to construct 87 attached single family units (townhouse units) on approximately 14 acres of land that is located west of Route 1; south of Dunning Mills Road; north of Hudgins Road and east of the Kingswood Subdivision located in Spotsylvania County. The balance of the property is located in the County (34 acres) and is zoned single family residential.

The property is improved with a single family house and a carport that is owned by M. Emory Hicks. The applicant has sought to rezone the land in the County to construct a single family subdivision consisting of both single family attached and detached units. The County rezoned the land in 2009 to develop no more than 83 single family detached units and no more than 44 single family attached units. Please see the attached generalized development plan to reference the approved layout. The proffers associated with the rezoning in the County can be found under tab C within the application materials.

The property is zoned C-H Commercial Highway which permits the construction of townhouses with the issuance of a special use permit. The R-12 district regulations for density are followed while the bulk regulations for construction (height, setbacks, parcel size) are regulated by the C-H District. The property is surrounded on all sides by property zoned C-H Commercial Highway in the City while the land in the County is zoned R-1. The commercial uses that are located between

the subject property and Route 1 are mainly made up of vehicle sales establishments. The Dunning Mills Hotel and the East Coast Gas Station are located to the north of the subject property. Existing Conditions the northern portion of the property has a stream running through it as well as mature vegetation and environmentally sensitive areas. This entire area is proposed to be preserved as part of the application as it is doubtful that this area can be developed given the environmental constraints.

Special use permits are evaluated utilizing the criteria contained within section 14-704 of the Zoning Ordinance and they include:

(a) The proposed special use at a specified location shall be:

- (1) In harmony with the adopted comprehensive plan;
- (2) In harmony with the purpose and intent of the zoning district regulations;
- (3) In harmony with the existing uses or planned uses of neighboring properties.

(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.

**(a) (1) In harmony with the adopted comprehensive plan.**

The future land use map contained within the Comprehensive Plan designates this property as general commercial. The surrounding properties are designated in the same manner. The properties to the east, on the opposite side of Route 1 are designated Institutional as they contain upper elementary and middle schools. The Confederate Ridge neighborhood, also located on the opposite side of Route 1 is designated as low density residential. The property lies within Land Use Planning Area 3: Route 3/Cowan Boulevard. The Plan does not provide specific language or recommendations for the use/development of the property. The City was provided a similar application in 2006, before the current Plan was adopted. At that time, this property was planned and zoned for commercial development. The Plan and zoning of the property did not change as a result of updating the Plan like other areas of the City. Commercial development is the preferred plan of development in this area.

The applicant states on page 5 of the application supplement that the application will provide a balance of mixed use development in this area as recommended by recommendation #3 found on page 113 of the Plan. Staff believes that the mixed use development concept is for development of a property as opposed to a mix of uses in an area of the City. As Commissioners know, the mixed use concept is prevalent throughout the Plan and the Plan promotes such development.

The proposed plan does provide a trail system in the development (City and County) but it is largely confined to the area along Hudgins Road and along the rear of the property in the City so it does not connect the entire development together.

A review of the goals, policies and initiatives found in Chapter 13: Housing; of the Comprehensive Plan (page 79) does not reveal that the proposed application meets these statements.

**(a) (2) In harmony with the purpose and intent of the zoning district regulations.**

The intent section of the C-H district states that the C-H district is established to provide for locations on heavily traveled collector and arterial highways for those commercial and service uses which are oriented to the automobile and require good access, but not dependent on

adjoining uses or pedestrian trade. It permits many types of commercial uses as well as some public uses and limited residential uses.

The corresponding uses permitted by right and by special use permit are listed because they contribute towards meeting the intent of the district. Residential uses with a density of up to 12 units per acre is included within the special use list because it was probably realized that such a use would be appropriate in certain locations. The R-12 district regulations permit the construction of multi-family dwellings and single family attached dwellings by right at a density not to exceed 12 units per acre. The applicant provides on page 4 of the application that the proposed project yields approximately 6 units per acre. Regarding the density calculation the analysis needs to take into account the area of the property that contain steep slopes (in excess of 20%). This area is situated around the stream that runs through the property on the north end. The zoning ordinance only permits taking 75% of the allowable maximum density for that area when the sum of the feature comprised 15% to 24%. Taking this into account, the calculated density will yield a different density due to the reduction in land area.

The applicant states that due to this property being located well off of Jefferson Davis Highway and its corresponding poor visibility to this arterial highway that it is not conducive for commercial development. The application goes on to say that the property is directly adjacent to the Kings Wood neighborhood making it a natural fit for a residential development. The Kings Wood neighborhood is located in the County approximately 500 feet at its closest point to the portion of the applicant's property in the City. At its furthest point, the property is located approximately 900 feet from the property in the City. The land in between the property in the City and the Kings Wood neighborhood is the vacant property that the applicant is seeking to rezone in the County.

It is conceivable that the subject property can be developed as a commercial use but the uses located here would either be associated with the existing vehicle sales businesses located along Jefferson Davis Highway or could be developed as businesses that do not rely upon pass by traffic or high visibility. Office condominiums or offices for lease could be located on the property.. This type of use would offer an appropriate buffer between the auto oriented businesses located along Jefferson Davis Highway and any residential development to the west in the County.

The applicant addresses this criteria on page 6 of the application addendum.

**(a) (3) In harmony with the existing uses or planned uses of neighboring properties.**

The existing land uses in this area of the City and on the west side of Jefferson Davis Highway are oriented towards commercial uses. As stated earlier, existing residential uses are located to the west in the County. The area to the east of Jefferson Davis Highway contains established single family residential neighborhoods as well as the upper elementary and middle schools. The property directly to the south in the County is zoned commercial and mostly populated with auto oriented uses. Further south are other commercial uses.

The future land use map contained within the Comprehensive Plan designates this property as commercial as is all of the land between this site north to Townsend Boulevard. No new projects are proposed in the area as the construction of the upper elementary school was the most recent development. It is not anticipated that the existing land uses in the area will change appreciably in the near future. Two nearby automobile dealerships ceased operating within the last year and the City's Department of Economic and Tourism is assisting in finding a tenant for these properties.

The applicant addresses this criterion on page 6 of the application addendum.

**(b) The proposed special use and related improvements shall be designed, sited, landscaped and otherwise configured such that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair the economic, social or environmental value thereof.**

Since there is not much remaining land to be developed in this area, the development of the property should not hinder development elsewhere in the area.

On page 4 of the application addendum, the applicant states that the units will sell for approximately \$250,000. The application states that the units will be no less than 18' wide and contain garages. However, the unit size(s) are not provided.

Elevation plans for the units have not been provided to date. Regarding building elevations, states on page 2 that the project design and construction features will be in general accordance with the approved County rezoning. The County proffers found under Tab C, address architectural standards in the sense that they will be developed at a later date and by the first site plan for review by the County. Staff suggests that the architecture of the units should be addressed during the review of the application, much like other applications. The previous application for townhouse development on this property went into detail on the types, sizes and architecture of the units that would be built on the property. The applicant had agreed to use a cement fiber board such as Hardi Plank on the side elevations of the buildings. An elevation plan was prepared and it shows shutters, arches over the windows and additional molding around the side entrance. The units were going to consist of a brick front with hardy plank siding on the sides and back which is similar to the units in Idlewild and the Preserve at Smith Run. This would ensure that the units would be of an upscale type unit and thus more likely to be owner occupied. This continues to be a major issue in the City as approximately only one-third of the housing stock is owner occupied. The Comprehensive Plan also addresses this disparity in several places and the applicant should provide a means to ensure that this community will remain owner occupied as opposed to being a rental community like Riverside Manor Townhouses.

The layout of the project is somewhat dictated by the shape of the land in the City. The developable part of the property is shaped like a triangle and the units have been arranged in rows that run perpendicular to the main access road to the project. Parking is provided in garage units as well as parking areas between the rows of buildings. A tennis courts is located at the southern end of the project in the City. Open space, tot lots and a park area are proposed to be located in the portion of the project in the County. There is also a walking trail proposed in the natural area at the northern end of the property. This trail should connect with the other amenities in the project, both in the City and in the County since it is all one project either by a trail or sidewalk.

Due to the property being located adjacent to commercial uses along Jefferson Davis Highway, a considerable buffer of vegetation should be provided between the two uses. A buffer area is shown between the rear of the units and the rear property line of the adjacent commercial uses. This can be seen on the GDP. In order to appropriately screen and buffer between the townhouse and commercial uses, a year round screen should be required to include predominately evergreen trees with a mix of deciduous canopy trees. Utilizing the screening and buffering requirements in the Zoning Ordinance, staff recommends that a staggered double row of evergreen trees be planted the length of the buffer area with a minimum height of 8' at the time of planting, and a condition has been added to address this issue. Although there is a considerable change in grade between the commercial uses and the townhouses as the commercial uses sit much higher than the proposed townhouses, it is still appropriate to provide such a screen.

As with similar type projects, it is anticipated that the units will be occupied by family's with school age children. When the DeJong School Enrollment Study was conducted in 2003 to assist in determining the proper size of the new high school and upper elementary schools, it included current student enrollment and projected enrollment. The projected enrollment numbers were in part, derived from future residential projects. This particular property was not included in the study so any generation of school age children will be in addition to those projections.

The applicant notes that this project will generate 50-60 school age children dispersed over the entire grade levels. In recent discussions about student projections Mr. Burch, the Director of

Operations for the school system noted that there is not a hard and fast rule to determine generation of school age children and that he is not familiar with any scientific empirical data that pinpoints an accurate ratio, but his experience with other projects over the years indicates a similar ratio with the one being suggested by the applicant. The applicant uses a ratio of .50 students per 2-bedroom unit and 1.0 student per 3-bedroom unit. This factor needs to be evaluated in the review of the application and inserted into the tax generation figures noted on page 4 of the application addendum.

Mr. McAfee asked when the Commission can expect to see a site plan/elevation plan of this proposed project.

Mr. McAfee asked how or what kind of means staff suggests when referring to *"The Comprehensive Plan also addresses this disparity in several places and the applicant should provide a means to ensure that this community will remain owner occupied as opposed to being a rental community like Riverside Manor Townhouses."*

Mr. Ocel said the City cannot force someone to provide owner/occupied units, of course, but that depending upon size, materials, etc., upscale projects can maintain a reasonable way to ensure owner/occupied units. He noted that years ago he recalls a condition placed on a special permit use saying they would be owner occupied for two years; and the owner agreed to the condition.

Mr. Whelan asked the density of the Haven.

Mr. Ocel said it permitted up to 24 units per acre but that the subject property is more dense than the Haven.

Mr. Charles Payne, Attorney for the applicants, 725 Jackson Street, Fredericksburg, distributed a power point presentation (projector was not working appropriately). **ATTACHMENT A.** He provided a brief history of the property and its owner and a brief overview of the proposed project. Some points of the project are:

Mr. Payne addressed questions that had been forwarded by Commissioner Gratz, who was unable to be in attendance at the meeting. **QUESTIONS BY DR. GRATZ and ANSWERS BY MR. PAYNE FOLLOW:**

pg 2 An HOA will be responsible for maintenance of the common areas and enforcement of the restrictive covenants. How effective are HOAs in handling this responsibility over the long term?

**Answer:** The covenants are very much enforceable and will likely include monetary fines as well as the ability to utilize the courts to require compliance. I find many of the HOAs, in newer developments in Fredericksburg, are very aggressive in protecting their respective neighborhoods. Also, usually the developer remains in control of the HOA for several of the initial years of development (e.g. through all stages of development and beyond). Thus, the developer will strongly enforce the covenants to protect its development and marketable interest.

pg 2 The application says that the trail system "surrounds the entire project." It appears to me that the trail does not surround the project but is mainly on the east and south sides of the project. It connects with the sidewalks to complete the circuit. A trail with crushed stone or mulch is not conducive to bicycling. Why doesn't the trail go completely around the property, and why isn't it paved?



**Answer:** I believe it does go around the city property connecting to the sidewalks along the city section private roads. It also connects to the sidewalk system on the county side. The adjoining neighborhood, Kingswood, nixed the idea of a full circular jogging path. Also, the reason we do not have paved paths is due to extensive maintenance requirements and costs and additional impervious areas that impact water run-off.

pg 2     **The GDP says "Tennis Court." How many tennis courts are proposed for this space? One would not seem to be enough.**

**Answer:** We have several recreational court or field areas through-out the development, including both the county and city sites.

pg 2     **A "community park" is mentioned in the GDP. Where this is located?**

**Answer:** This is located on the county site. Again, all portions of the development share the amenities of the overall project.

pg 2     **How big is the "Multipurpose Recreation Court" on the GDP? Is this one basketball court for the whole development?**

**Answer:** Over 3,600 square feet, and it is not planned as a basketball court.

pg 2     **Where is the "multiple purpose field?" Would this be big enough for soccer or baseball?**

**Answer:** Located on 1.9 acres of the county site and may be used for many passive and active recreational activities.

pg 2     **Much of the reported 45% of the open space appears to be SWM areas or wet lands. How much of this would be useable for recreation by the residents?**

**Answer:** The included areas of opens pace, including SWM or wetlands, are included for city open space calculations; and we well exceed the 15% open space requirements for C-H zoning districts. Most of the open space areas are usable for recreational activities.

pg 2     **The application says that only 15% of the land is required to be open space for CH use, but this project is not CH. How much land should be left for open space in a typical residential development of this type?**

**Answer:** It is contemplated in the city zoning ordinance district and an authorized CH use with a special use permit. See Section 78-579 (12). Also, for example, R-8 & R-12 districts require at least 25% open space. We far exceed this.

pg 3     **The 6' fence that shields the property from the businesses on Rt. 1 only covers a portion of the border. Why doesn't it extend the whole length of the property, at least on the east side? Who will maintain this fence?**

**Answer:** due to grading constraints in this area, we proposed a fence as shown on the GDP. Vegetative screening is proposed in other areas.

pg 3 There are only two points of entry and exit into this project, both on a narrow two-lane road. Are there likely to be traffic jams during morning and evening rush hours and on Saturdays? Is the three-year-old traffic study adequate, or should a new one be done?

Answer: We believe this study is adequate since there has not been extensive growth in the area due to the economy since 2007.

pg 4 Are restrictive covenants effective (and legal)? Who makes sure they are enforced and by what authority?

Answer: As answered above—the HOA and yes they are enforceable.

pg 4 I assume that each unit will have a one-car garage. Since most households with two or more people have two or more cars, where will these extra vehicles park? Where will visitors park? Seventy parking spaces do not even provide one extra space per unit.

Answer: One in the garage, one in the driveway, plus approximately 100 additional parking spots. We also meet all city the parking requirements.

pg 4 **How was the figure of 50-60 school children arrived at? How many 2 BR and 3 BR units are proposed and used in this calculation?** Since attached units are usually starter homes, wouldn't the young families be expected to have more younger children and, therefore, have a greater impact on the elementary and middle schools?

Answer: We are not sure at this point (market drives) how many 2 or 3 bedroom homes there would be so we took into account an equal mix and applied them across all grades. Also, I would disagree with the assumption here and argue that today most young couples or single professionals are having children later in life. Thus, it is likely our school numbers are an over estimate.

pg 4 Does the average home value of \$250,000 refer to the townhomes in Fredericksburg or to all the homes in whole project? What is the range of prices that averages to \$250,000? I don't believe that the current going rate for town homes is anywhere near \$250,000, and, therefore, the estimated tax revenue is likely to be quite high. **Can we see a list of town homes that are comparable to these and what they are selling for?**

Answer: It is a rough average of what we believe the townhomes may sell for in an improved market. The range would likely be low \$200,000 (e.g. 18 foot wide units may be high \$100s thousands) to high \$200,000s depending on the size of the unit. Remember, we are looking to prospective or future markets not current markets (however—local housing inventories for new homes are shrinking for current markets and foreclosures have slowed, plus prices have slightly increased), and believe our estimates, based on a 2-5 year spread for development, are conservative especially when in 2006-early 2007 a similar townhouse product in the Preserve at Smith Run was selling at \$390,000-420,000.

pg 4 I just paid my personal property tax on two automobiles, and it was less than \$510. What evidence do you have that these homeowners will have personal property taxes this high?

**Answer:** Based on one or two vehicles for working families and using a \$15,000 average value. The tax rate is based on the city's personal property tax rate (3.40/100). The state pays 57% of that amount and taxpayer 43%. The point is tax dollars being generated.

- pg 4 Can the county part of this project be built without the sewer connection through the City? Can the county project connect to the City sewer even if the City part of the project is not approved?

**Answer:** I believe there is already in place an agreement between the city and county to share services, plus this is a necessary share of city (sewer) and county (water) services. Remember, this parcel (portions thereof) had been subject to several annexations in the past. It's sort of in "no-mans" land, thus this type of development scheme is unique, but not unusual for border areas impacting properties in various jurisdictions.

- pg 4 These homes are supposed to be attractive to "city employees, including first responders and teachers." Considering the low starting salaries for these employees, will they be able to afford \$250,000 homes? **Have you done any kind of analysis of what your target audience can afford?** Why would they buy these town homes at these high prices when there are many foreclosed detached homes in the suburbs for considerably less?

**Answer:** We believe the 18 foot wide homes will be lower in price than the \$250,000 average (perhaps even in the high \$100,000 area) and will be affordable to working families with an average mean income of \$70,000-\$75,000 (which is typical for new home buyers average median income in this area).

- pg 4-5 Is there any legal way you can actually ensure that these will be owner occupied units? **Are you planning on building units before they are sold? If the units don't sell, will you rent them?** Again, what analysis have you made to indicate that there is a demand for these homes and that the intended audience can afford them?

**Answer:** We will act in conformance with fair housing laws and it is in the developer's best interest to encourage owner occupancy units and avoid massive "investor" sales. This lesson was learned painfully at Idlewild and Preserve at Smith run. Plus, given the realities of the financial markets, for purpose of new home sales, this will likely be an unusual event in the future, especially given requirements for new homebuyers to occupy the premises as a condition of their loans.

- pg 5 You refer to this development as "mixed-use" and do so even more in the documents submitted to Spotsylvania for the rezoning. The only "mixed-use" I see here is that there is a mixture of attached and detached homes. I see none of the characteristics of a true "mixed-use" development. **Can you give your definition of "mixed-use" and explain how this project could be considered "mixed-use?"**

**Answer:** Mixed use as to housing types and location near commercial uses. County deemed it a mixed use development.

- App A How do you respond to Mr. Pitts' comment that the Spotsylvania portion of the

pg 11 development "would result in a 477% increase over bi right (*sic*) development" and "the project did not financially support itself as shown in the financial impact analysis"? **Did you do a serious financial impact analysis for the City?**

**Answer:** County Board voted overwhelmingly 6-1 in favor of this project. We also believe the county analysis is also based on outdated costs estimates, and there have been several recent rezonings that proffered less than the current county proffer guidelines that I understand are also subject to future change.

Mr. Whelan asked if the townhouses are proposed to be single-family attached units rather than the previously proposed stacked units.

Mr. Payne confirmed that the units would be single-family attached units.

Mr. McAfee asked if there exists a site plan or elevation plan that can be provided to commissioners.

Mr. Ocel said he believes Mr. McAfee is referring to an elevation plan and description of materials, which would be sufficient. However, Mr. Ocel indicated that some specifics should be added.

There was no public comment.

Mr. McAfee closed the public hearing on this item.

**8. SOTA2010-01: Updating the Subdivision Ordinance to Permit Recordation of an Approved Final Plat Where the Landowner has Commenced Construction of Public Facilities or Posted Security for Construction of Public Facilities, by Amending City Code Article 78, "Zoning, Planning and Development," Article IV, "Subdivisions," Division 5, "Final Plats and Plans," Section 78-1229, "Expiration of Unrecorded Plats and Plans."**

Mr. Ocel said this change is to amend the City Code to adopt changes in the Virginia State Code made by the Virginia General Assembly 2009, by amending City Code Chapter 78, Article IV "Subdivisions," Section 78-1229.

The City is required by the Virginia Code to adopt and administer a Subdivision Ordinance, which must be kept in compliance with Virginia Code requirements. The Subdivision Ordinance contains a provision regarding the expiration of approved but unrecorded final subdivision plats, providing that they expire six months after approval by City Council. If the final plat is not recorded within six months of Council approval then the plat expires and may not be recorded unless it is approved by City Council a second time.

Virginia Code section 15.2-2241(8) states that the approval of such plats expires in six months but provides two exceptions not currently found in the City Code. The first exception is where the landowner or developer has commenced construction of facilities to be dedicated to public use such as streets and utilities. The second exception is where the landowner or developer has posted security in the amount of the estimated cost of construction of such facilities. In both cases, the time for plat recordation is extended to one year after final approval. The ordinance prepared by the City Attorney includes this language and is found in italic print on the second page of the ordinance under Sec. 78-1229 (4).

There was no public comment.

Mr. McAfee closed the public hearing on this item.

## **UNFINISHED BUSINESS/ATION ITEM**

9. **STPN2010-02: Site Plan - Olde Towne Steak and Seafood** - Proposed new building addition of 2,528 square feet to the existing Olde Towne Steak & Seafood restaurant located at 1612 Caroline Street, TM Block 25, 1611 & 1606, Zoned C-T.

Mr. Whelan moved to approve the site plan as submitted.

Mr. Ramoneda seconded the motion.

Motion carried by a vote of 6 – 0.

Mr. Ocel noted that there was a companion memo requesting approval of the restaurant building elevations, which must comply with the section of the zoning ordinance that governs the Princess Anne Street Corridor Overlay, Division 27.1

Mr. Ramoneda moved to approve the design features of the building which are visible in the Princess Anne Street Corridor Overlay District.

Ms. Spears seconded the motion.

Motion carried by a vote of 6 – 0.

10. **Historic Preservation Plan – 2010 Historic Preservation Plan.** The Plan provides goals and initiatives for the identification, protection, and interpretation of historic buildings, districts, structures, and sites in the City. In conjunction with Chapter 12: Historic Preservation found within the 2007 Comprehensive Plan, the Preservation Plan will assist in continued identification and protection of historic resources to maintain a vibrant community that retains its character and provides for long term economic growth.

Mr. Ocel said he had nothing further to add but to recommend that the City Council incorporate those recommendations made of the Planning Commission at its last work session into the final document and to include the Addendum staff had prepared. He said Council had its public hearing on the issue on May 11, 2010.

The following is a verbatim transcript of Commissioner Spears. She asked that it be read into the record.

*"I recognize that the Commission majority does not favor the Fredericksburg Preservation Advisory Committee (FPAC), but I want it to go on record that I support the Task Force's concept.*

*I believe the FPAC would provide a positive mechanism to assist with communication practices between the Preservation Community and various entities within the city government, both volunteer and paid. Communication is key to working together and I sincerely believe all involved have the city's best interest at heart.*

*I do not believe the FPAC would add layers of bureaucracy to current processes, nor would it be a way to control decisions coming before the Commission or the Council. It would be what its name states – an Advisory Committee – created to provide more information and support to the various entities so they can make fully informed decisions.*

*I watched last night's City Council public hearing about the Preservation Plan; Kerri Barile represented the Task Force and stated that they agree with all the suggested changes from the Planning Commission with the exception of the exclusion of the FPAC. Since the Council is the actual decision making body, I'd like to ask you to consider keeping the FPAC in for our recommendation and let the Council decide if they wish to omit it. I can see no good reason for us as the Planning body to recommend cutting the FPAC from the proposed Plan."*

Ms. Spears asked Mr. Ocel for clarification that the recommendation is that the Plan move forward without the FPAC clause.

Mr. Ocel said this is correct.

Mr. Ramoneda said as a member of the preservation task force that he questions whether FPAC adds to the process since the City already has a Planning Commission and an ARB. He said he would prefer to see it move forward without FPAC.

Mr. Rigual asked if there is a complete revised version that includes the recommendations the Planning Commission had made. He said although he believes it is a good idea to have a preservation plan, his impression is that this document is being rushed through and he does not believe it is a final product and, therefore is not comfortable in supporting the document as it stands at this point.

Mr. Whelan agreed with the spirit of the plan and said however that he too believes there are issues that have not been properly addressed and that the plan should not be pushed through.

Mr. McAfee said that as a member of the task force, he believes having a parallel committee (FPAC) seems a bit odd. He said that although the help would be appreciated he does not see the need for a parallel entity when the Planning Commission's role is to handle these types of issues. He suggested that if the FPAC goes forward, that it be formed under the auspices or authority of the Planning Commission and report to the Planning Commission.

There was no further comment.

Ms. Spears made a motion to approve the Preservation Plan as presented, with the changes recommended by the Planning Commission to be incorporated and to include the addendum.

Mr. Ramoneda said he had participated in every Task Force meeting, except for one, and had seen firsthand that the exclusion of staff and the general public had resulted in an awkward process and an incomplete document. He said he had reservations, but said he is hopeful the document will move forward and seconded the motion. Mr. Ramoneda also commented that the task force worked long and hard to develop a ~~viable~~ plan.

Mr. McAfee said he is sensitive to the fact that the Planning Commission was not given sufficient time and that they stand tonight without a final document. He asked Mr. Ocel what would happen if the suggestions made by the Commission were not written into the final document.

Mr. Ocel said he does not believe it would require another hearing. He said he would forward the final document to Commissioners when he receives it. He added that he will not bring it back before the City Council until he has a final draft and that he has also requested that the changes be underlined for easier identification.

Motion failed by a vote of 3 – 3 with Commissioners Mitchell, Whelan and Rigual voting against the motion.

#### **OTHER BUSINESS**

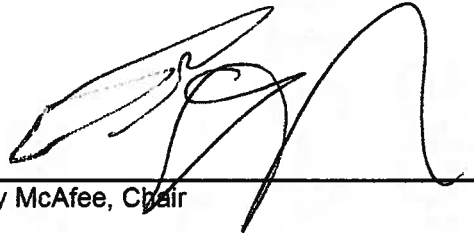
**11. Planning Commissioner Comment**

- Mr. Whelan asked about the mixed-use issue.

**12. Planning Director Comment**

- Mr. Ocel informed Commissioners that there will be a work session for fire station #1 on May 26<sup>th</sup> at 4:00 (after the regular meeting of the Commission).
- Mr. Ocel said GWRC will provide a brief presentation on May 26, 2010.
- Mr. Ocel reminded Commissioners of their upcoming joint meeting with City Council on the Kalahari project. He introduced Mr. Richard Tremblay, who, along with Mr. Ocel, provided a brief description of each of the four applications coming before them.

**ADJOURNMENT**

A handwritten signature in black ink, appearing to be 'Roy McAfee', is written over a horizontal line.

Roy McAfee, Chair

**"Summerfield"**

**Marion E. Hicks**

**Tax Map No. 324-210 F**

**Zoned CH**

**14.735 acres**

**Proposed Development of 87  
Attached Single Family Units**

Attachment A





# Background Information

- Applicant has owned subject parcel for over 52 years and currently lives on site.
- Also a contiguous 34.183 acre site in Spotsylvania for a total development area in both jurisdictions of approximately 48.9 acres.
- The City section of Summerfield will be part of the overall development scheme along with the Spotsylvania parcel (a mix of 83 detached single family units and 44 attached single family units).

# Background Information

- Property is located behind several car dealerships, at or near the intersection of Hudgins Road and Jefferson Davis Highway, along one of the City's southern-most borders with Spotsylvania.
- Pursuant to Section 78-579(12) of the City zoning ordinance, the Applicant requests the approval of 87 attached single family units.

# General Reasons to Support Request

- Highest and best use of the subject parcel is for residential purposes.
- Property is mostly hidden from the commercial highway view-shed. It does not have immediate access to Jefferson Davis Highway, and is further tucked behind several commercial uses that are positioned directly along Jefferson Davis Highway.

# General Reasons to Support Request

- Transitional development scheme.
- Component of overall Summerfield development project whereby Spotsylvania approved this past December 2009, the rezoning (from R-1 to PDH 4) of the contiguous 34 acre parcel located in Spotsylvania directly to the west of the City site.
- Construction features and materials will be of higher grade and marketability standards, all in accordance with the County rezoning approval and proffers.

# General Reasons to Support Request

- Pursuant to restrictive covenants that will run with the land, the construction and architectural design of the units will be governed by the HOA and its architectural review board.
- The units will be no less than 16 feet in width, and for purposes of providing work-force affordable housing, the Applicant proposes to develop and construct no less than 10% of the units at 16 feet in width.

# General Reasons to Support Request

- The Applicant will focus on owner occupied units to protect the value, marketability of the units, and overall development scheme, all in accordance with applicable federal and state fair housing laws.
- The Applicant has preserved 45% open space, which far exceeds the 15% minimum under the City's zoning ordinance.
- Applicant is proposing significant transportation improvements and recreational amenities.

# Compliance with Comprehensive Plan

- *Where?* Property is located in Planning Area 3, Ward 1, along one of the City's southern-most borders with Spotsylvania.
- *Jump Start.* The parcel is not specifically identified under the City's comprehensive plan or Jump Start initiative for any specific use or redevelopment.



# Compliance with Comprehensive Plan

- *Location-Location.* Due to the parcel's irregular shape and location, including being tucked away from the Jefferson Davis Highway view-shed, and the fact the contiguous parcel located in Spotsylvania is zoned for higher density residential purposes, the highest and best use of the parcel is for residential purposes under 78-579 (12) of the City ordinance.
- *Moderate density project.* 78-579 (12) of the City ordinance allows for 12 units per acre; however, the Applicant is proposing a cap at approximately 6 units per acre.

# Compliance with Comprehensive Plan

- *Viable infill project.* This project is a viable transitional development between commercial uses that front Jefferson Davis Highway and the proposed residential uses on the contiguous parcel.
- *Minimal impact on schools.* According to the City school system, the impact across all grade levels would be a modest 50-60 new school children.

# Compliance with Comprehensive Plan

- *Phasing.* The project will likely be developed over the next 2-5 years.
- Provides significant recreational amenities
- Protects environmentally-sensitive areas.
- There are no historic features on the site.

# **In Harmony with Purpose and Intent of Zoning District**

- **Property is zoned CH, and this project is authorized pursuant to a special use permit application in accordance with 78-579 (12).**
- **Contiguous parcel is rezoned for higher density residential mix uses.**
- **Minimizing density by capping the units at approximately 6 acres per unit.**

# **In Harmony with Existing Uses of Planned Use of Neighboring Properties**

- **In accordance with contiguous parcel recently rezoned for higher density residential mix uses.**
- **Surrounding properties to our north and east are mostly located directly along the Jefferson Davis Highway corridor.**

# In Harmony with Existing Uses of Planned Use of Neighboring Properties

- Applicant's parcel is tucked behind several commercial uses away and buffered from the Jefferson Davis highway corridor, thus, not marketable for commercial uses.
- Viable infill and transitional component from highway commercial uses.

# Traffic Improvements – Applicant Shall:

- Currently, the Rt. 1/Hudgins Road intersection includes an improved signalization, which was recently completed on or about the fall of 2007.
- The Applicant, during the County rezoning process, proffered certain improvements to Hudgins Road and Route 1 as generally shown on the GDP, which include the following:

# Traffic Improvements – Applicant Shall:

- Trail system as shown on the GDP.
- Prior to the issuance of a building permit for the County site, the applicant must:
  - repave Hudgins Road from the Route 1 intersection to the end of the state maintained road area;
  - provide improvements across the frontage of the Applicant's property along Hudgins Road as shown on the GDP;



# Traffic Improvements – Applicant Shall:

- construct improvements to the intersection of Rt. 1 and Hudgins Road as shown on the GDP.
- install a right turn lane and taper to VDOT standards at all site entrances into the Summerfield development from Hudgins Road as shown on the GDP.

# **Traffic Improvements – Applicant Shall:**

- grant and convey unto to VDOT a turnaround easement at the end of the state maintained road aforesaid and construct within said turnaround easement a cul-de-sac as shown on the GDP.

# **Traffic Improvements – Applicant Shall:**

- The Applicant will also work with FRED to extend services to the site.
- All roads within the City portion of Summerfield will be private roads and maintained by the HOA.

# Proposed Recreational Amenities

- The City and County sites will be deemed as one development for purposes of the overall project scheme. Each development site will mutually benefit from the improvements and amenities shown on both sites.
- The development (including County and City sites) will provide for several recreational amenities such as a significant trail system that surrounds the entire project for walking and jogging, tennis courts, community park/recreation and multiple purpose field or open areas, tot lots and children play areas, all as depicted on the GDP.
- Applicant will agree to connect to the Virginia trail system if and/or when the system extends to Applicant's parcel.

